

Introduced by

Representatives Ertelt, Kasper, B. Koppelman, Magrum

1 A BILL for an Act to create and enact section 16.1-08.1-02.5 of the North Dakota Century Code,  
2 relating to statewide political parties' campaign finance disclosures; to amend and reenact  
3 subsection 8 of section 16.1-08.1-01 and sections 16.1-08.1-02.3 and 16.1-08.1-02.4 of the  
4 North Dakota Century Code, relating to reporting of expenditures for political purposes; and to  
5 provide a penalty.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Subsection 8 of section 16.1-08.1-01 of the North Dakota  
8 Century Code is amended and reenacted as follows:

- 9 8. "Expenditure categories" means the categories into which expenditures must be  
10 grouped for reports under this chapter. The expenditure categories are:
- 11 a. Advertising;
  - 12 b. Campaign loan repayment;
  - 13 c. Operations;
  - 14 d. Travel; and
  - 15 e. Miscellaneous; and
  - 16 f. Contributions.

17 **SECTION 2. AMENDMENT.** Section 16.1-08.1-02.3 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19 **16.1-08.1-02.3. Pre-election, supplemental, and year-end campaign disclosure**  
20 **statement requirements for candidates, candidate committees, multicandidate**  
21 **committees, and nonstatewide political parties.**

- 22 1. Prior to the thirty-first day before a primary, general, or special election, a candidate or  
23 candidate committee formed on behalf of the candidate, a multicandidate political  
24 committee, or a political party other than a statewide political party soliciting or

1 accepting contributions shall file a campaign disclosure statement that includes all  
2 contributions received from January first through the fortieth day before the election.  
3 The statement also must include each aggregated expenditure over two hundred  
4 dollars made in support of or in opposition to a candidate, political committee, or ballot  
5 measure from January first through the fortieth day before the election. A candidate  
6 whose name is not on the ballot and who is not seeking election through write-in  
7 votes, the candidate's candidate committee, and a political party that has not endorsed  
8 or nominated any candidate in the election is not required to file a statement under this  
9 subsection. The statement may be submitted for filing beginning on the thirty-ninth day  
10 before the election. The statement must include:

- 11 a. For each aggregated contribution from a contributor which totals ~~in excess~~  
12 ~~of~~ more than two hundred dollars received during the reporting period:
- 13 (1) The name and mailing address of the contributor;  
14 (2) The total amount of the contribution; and  
15 (3) The date the last contributed amount was received;
- 16 b. The total of all aggregated contributions from contributors which total in excess of  
17 two hundred dollars during the reporting period;
- 18 c. The total of all contributions received from contributors that contributed two  
19 hundred dollars or less each during the reporting period; ~~and~~
- 20 d. For a statewide candidate, a candidate committee formed on behalf of a  
21 statewide candidate, and a statewide multicandidate committee, the balance of  
22 the campaign fund on the fortieth day before the election and the balance of the  
23 campaign fund on January first; and
- 24 e. For each aggregated expenditure in support of or in opposition to a candidate,  
25 political committee, or ballot measure which totals more than two hundred dollars  
26 expended during the reporting period:
- 27 (1) The name of the candidate, political committee, or ballot measure the  
28 expenditure was intended to support or oppose;  
29 (2) The total amount of the expenditure;  
30 (3) The date the last expenditure was made; and

1           (4) Whether the expenditure was made in support of or in opposition to the  
2           candidate, political committee, or ballot measure.

3       2. Beginning on the thirty-ninth day before the election through the day before the  
4       election, a person that files a statement under subsection 1 must file a supplemental  
5       statement within forty-eight hours of the start of the day following the receipt of a  
6       contribution or aggregate contribution from a contributor which is ~~in excess of~~more  
7       than five hundred dollars or the making of an expenditure or aggregate expenditure in  
8       support of or in opposition to a candidate, political committee, or ballot measure which  
9       is more than five hundred dollars. The statement must include:

- 10       a. ~~The~~For a contribution, the name and mailing address of the contributor, or for an  
11       expenditure, the name of the candidate, political committee, or ballot measure  
12       the expenditure was intended to support or oppose;  
13       b. The total amount of the contribution received or expenditure made during the  
14       reporting period; ~~and~~  
15       c. ~~The~~For a contribution, the date the last contributed amount was received, or for  
16       an expenditure, the date the last expenditure was made; and  
17       d. For an expenditure, whether the expenditure was made in support of or in  
18       opposition to the candidate, political committee, or ballot measure.

19       3. Prior to February first, a candidate or candidate committee, a multicandidate political  
20       committee, or a nonstatewide political party soliciting or accepting contributions shall  
21       file a campaign disclosure statement that includes all contributions received and  
22       expenditures, ~~by expenditure category,~~ made from January first through December  
23       thirty-first of the previous year. The statement may be submitted for filing beginning on  
24       January first. The statement must include:

- 25       a. For a statewide candidate, a candidate committee formed on behalf of a  
26       statewide candidate, and a statewide multicandidate committee, the balance of  
27       the campaign fund on January first and on December thirty-first;  
28       b. For each aggregated contribution from a contributor which totals ~~in excess~~  
29       ofmore than two hundred dollars received during the reporting period:  
30       (1) The name and mailing address of the contributor;  
31       (2) The total amount of the contribution; and

- 1                   (3) The date the last contributed amount was received;
- 2                   c. The total of all aggregated contributions from contributors which total in excess of
- 3                   two hundred dollars during the reporting period;
- 4                   d. The total of all contributions received from contributors that contributed two
- 5                   hundred dollars or less each during the reporting period; ~~and~~
- 6                   e. The total of all other expenditures made during the previous year, separated into
- 7                   expenditure categories; and
- 8                   f. For each aggregated expenditure in support of or in opposition to a candidate,
- 9                   political committee, or ballot measure which totals more than two hundred dollars
- 10                   expended during the reporting period:
- 11                   (1) The name of the candidate, political committee, or ballot measure the
- 12                   expenditure was intended to support or oppose;
- 13                   (2) The total amount of the expenditure;
- 14                   (3) The date the last expenditure was made; and
- 15                   (4) Whether the expenditure was made in support of or in opposition to the
- 16                   candidate, political committee, or ballot measure.
- 17                   4. A person required to file a statement under this section, other than a candidate for
- 18                   judicial office, county office, or city office, or a candidate committee for a candidate
- 19                   exempted under this subsection, shall report each aggregated contribution from a
- 20                   contributor which totals five thousand dollars or more during the reporting period. For
- 21                   these contributions from individuals, the statement must include the contributor's
- 22                   occupation, employer, and the employer's principal place of business.
- 23                   5. A candidate for city office in a city with a population under five thousand and a
- 24                   candidate committee for the candidate are exempt from this section.
- 25                   6. A candidate for county office and a candidate committee for a candidate for county
- 26                   office shall file statements under this chapter with the county auditor. A candidate for
- 27                   city office who is required to file a statement under this chapter and a candidate
- 28                   committee for such a candidate shall file statements with the city auditor. Any other
- 29                   person required to file a statement under this section shall file the statement with the
- 30                   secretary of state.

1           7.    The filing officer shall assess and collect fees for any reports filed after the filing  
2           deadline.

3           8.    To ensure accurate reporting and avoid commingling of campaign and personal funds,  
4           candidates shall use dedicated campaign accounts that are separate from any  
5           personal accounts.

6           **SECTION 3. AMENDMENT.** Section 16.1-08.1-02.4 of the North Dakota Century Code is  
7           amended and reenacted as follows:

8           **16.1-08.1-02.4. Pre-election, supplemental, and year-end campaign disclosure**  
9           **statement requirements for ~~statewide political parties and certain political committees.~~**

10          1.    Prior to the thirty-first day before a primary, general, or special election, ~~a statewide~~  
11          ~~political party or~~ a political committee not required to file statements under section  
12          16.1-08.1-02.3 which is soliciting or accepting contributions shall file a campaign  
13          disclosure statement that includes all contributions received and expenditures made  
14          from January first through the fortieth day before the election. ~~A political party that has~~  
15          ~~not endorsed or nominated a candidate in an election is not required to file a~~  
16          ~~statement under this subsection.~~ A statement required to be filed under this subsection  
17          may be submitted for filing beginning on the thirty-ninth day before the election. The  
18          statement must include:

19          a.    For each aggregated contribution from a contributor which totals ~~in excess~~  
20          ~~of~~ more than two hundred dollars received during the reporting period:

- 21               (1)   The name and mailing address of the contributor;  
22               (2)   The total amount of the contribution; and  
23               (3)   The date the last contributed amount was received;

24          b.    The total of all aggregated contributions from contributors which total in excess of  
25          two hundred dollars during the reporting period;

26          c.    The total of all contributions received from contributors that contributed two  
27          hundred dollars or less each during the reporting period;

28          d.    For each recipient of an expenditure from campaign funds in excess of two  
29          hundred dollars in the aggregate:

- 30               (1)   The name and mailing address of the recipient;  
31               (2)   The total amount of the expenditure made to the recipient; ~~and~~

- 1                   (3) The date the last expended amount was made to the recipient; and
- 2                   (4) If the expenditure was made in support of or in opposition to a candidate,
- 3                   ballot measure, or political committee, the name of the candidate, ballot
- 4                   measure, or political committee, and whether the expenditure was made in
- 5                   support of or in opposition to the candidate, ballot measure, or political
- 6                   committee;
- 7                   e. The aggregate total of all expenditures from campaign funds in excess of two
- 8                   hundred dollars;
- 9                   f. The aggregate total of all expenditures from campaign funds of two hundred
- 10                   dollars or less; and
- 11                   g. The balance of the campaign fund on the fortieth day before the election and
- 12                   balance of the campaign fund on January first.
- 13                   2. Beginning on the thirty-ninth day before the election through the day before the
- 14                   election, a person that files a statement under subsection 1 must file a supplemental
- 15                   statement within forty-eight hours of the start of the day following the receipt of a
- 16                   contribution or aggregate contribution from a contributor which is in excess of five
- 17                   hundred dollars or the making of an expenditure or aggregate expenditure in support
- 18                   of or in opposition to a candidate, ballot measure, or political committee which is more
- 19                   than five hundred dollars. The statement must include:
- 20                   a. ~~The~~For a contribution, the name and mailing address of the contributor, or for an
- 21                   expenditure, the name of the candidate, ballot measure, or political committee
- 22                   the expenditure was intended to support or oppose;
- 23                   b. The total amount of the contribution received or expenditure made during the
- 24                   reporting period; ~~and~~
- 25                   c. ~~The~~For a contribution, the date the last contributed amount was received, or for
- 26                   an expenditure, the date the last expenditure was made; and
- 27                   d. For an expenditure, whether the expenditure was made in support of or in
- 28                   opposition to the candidate, ballot measure, or political committee.
- 29                   3. Prior to February first, a statewide political party or a political committee that is not
- 30                   required to file a statement under section 16.1-08.1-2.3 shall file a campaign
- 31                   disclosure statement that includes all contributions received and expenditures made

- 1 from January first through December thirty-first of the previous year. The statement  
2 may be submitted for filing beginning on January first. The statement must include:
- 3 a. For each aggregated contribution from a contributor which totals ~~in excess~~  
4 of more than two hundred dollars received during the reporting period:
- 5 (1) The name and mailing address of the contributor;  
6 (2) The total amount of the contribution; and  
7 (3) The date the last contributed amount was received;
- 8 b. The total of all aggregated contributions from contributors which total in excess of  
9 two hundred dollars during the reporting period;
- 10 c. The total of all contributions received from contributors that contributed two  
11 hundred dollars or less each during the reporting period;
- 12 d. For each recipient of an expenditure from campaign funds in excess of two  
13 hundred dollars in the aggregate:
- 14 (1) The name and mailing address of the recipient;  
15 (2) The total amount of the expenditure made to the recipient; ~~and~~  
16 (3) The date the last expended amount was made to the recipient; and  
17 (4) If the expenditure was made in support of or in opposition to a candidate,  
18 ballot measure, or political committee, the name of the candidate, ballot  
19 measure, or political committee and whether the expenditure was made in  
20 support of or in opposition to the candidate, ballot measure, or political  
21 committee;
- 22 e. The aggregate total of all expenditures from campaign funds in excess of two  
23 hundred dollars; and
- 24 f. The aggregate total of all expenditures from campaign funds of two hundred  
25 dollars or less; ~~and~~
- 26 g. ~~The balance of the campaign fund on January first and December thirty-first.~~
- 27 4. A person required to file a statement under this section shall disclose each aggregated  
28 contribution from a contributor which totals five thousand dollars or more during the  
29 reporting period. For these contributions from individuals, the statement must include  
30 the contributor's occupation, employer, and the employer's principal place of business.
- 31 5. Statements under this section must be filed with the secretary of state.

1           6.    The secretary of state shall assess and collect fees for any reports filed after the filing  
2            deadline.

3           **SECTION 4.** Section 16.1-08.1-02.5 of the North Dakota Century Code is created and  
4    enacted as follows:

5           **16.1-08.1-02.5. Pre-election, supplemental, and year-end campaign disclosure**  
6    **statement requirements for statewide political parties.**

7           1.    Prior to the thirty-first day before a primary, general, or special election, a statewide  
8           political party soliciting or accepting contributions shall file a campaign disclosure  
9           statement that includes all contributions received and expenditures made from  
10          January first through the fortieth day before the election. A political party that has not  
11          endorsed or nominated a candidate in an election is not required to file a statement  
12          under this subsection. A statement required to be filed under this subsection may be  
13          submitted for filing beginning on the thirty-ninth day before the election. The statement  
14          must include:

15          a.    For each aggregated contribution from a contributor which totals in excess of two  
16          hundred dollars received during the reporting period:

17               (1) The name and mailing address of the contributor;

18               (2) The total amount of the contribution; and

19               (3) The date the last contributed amount was received;

20          b.    The total of all aggregated contributions from contributors which total in excess of  
21          two hundred dollars during the reporting period;

22          c.    The total of all contributions received from contributors that contributed two  
23          hundred dollars or less each during the reporting period;

24          d.    For each recipient of an expenditure from campaign funds in excess of two  
25          hundred dollars in the aggregate:

26               (1) The name and mailing address of the recipient;

27               (2) The total amount of the expenditure made to the recipient; and

28               (3) The date the last expended amount was made to the recipient;

29          e.    The aggregate total of all expenditures from campaign funds in excess of two  
30          hundred dollars;

- 1           f. The aggregate total of all expenditures from campaign funds of two hundred  
2           dollars or less; and
- 3           g. The balance of the campaign fund on the fortieth day before the election and  
4           balance of the campaign fund on January first.
- 5        2. Beginning on the thirty-ninth day before the election through the day before the  
6        election, a person that files a statement under subsection 1 must file a supplemental  
7        statement within forty-eight hours of the start of the day following the receipt of a  
8        contribution or aggregate contribution from a contributor which is in excess of five  
9        hundred dollars. The statement must include:
- 10       a. The name and mailing address of the contributor;  
11       b. The total amount of the contribution received during the reporting period; and  
12       c. The date the last contributed amount was received.
- 13       3. Prior to February first, a statewide political party shall file a campaign disclosure  
14       statement that includes all contributions received and expenditures made from  
15       January first through December thirty-first of the previous year. The statement may be  
16       submitted for filing beginning on January first. The statement must include:
- 17       a. For each aggregated contribution from a contributor which totals in excess of two  
18       hundred dollars received during the reporting period:
- 19           (1) The name and mailing address of the contributor;  
20           (2) The total amount of the contribution; and  
21           (3) The date the last contributed amount was received;
- 22       b. The total of all aggregated contributions from contributors which total in excess of  
23       two hundred dollars during the reporting period;
- 24       c. The total of all contributions received from contributors that contributed two  
25       hundred dollars or less each during the reporting period;
- 26       d. For each recipient of an expenditure from campaign funds in excess of two  
27       hundred dollars in the aggregate:
- 28           (1) The name and mailing address of the recipient;  
29           (2) The total amount of the expenditure made to the recipient; and  
30           (3) The date the last expended amount was made to the recipient;

- 1           e. The aggregate total of all expenditures from campaign funds in excess of two  
2           hundred dollars;
- 3           f. The aggregate total of all expenditures from campaign funds of two hundred  
4           dollars or less; and
- 5           g. The balance of the campaign fund on January first and December thirty-first.
- 6        4. A political party required to file a statement under this section shall disclose each  
7        aggregated contribution from a contributor which totals five thousand dollars or more  
8        during the reporting period. For these contributions from individuals, the statement  
9        must include the contributor's occupation, employer, and the employer's principal  
10       place of business.
- 11       5. Statements under this section must be filed with the secretary of state.
- 12       6. The secretary of state shall assess and collect fees for any reports filed after the filing  
13       deadline.